IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 5264 OF 2007

Abdul Kadar Walli Mohammad Chaudhary .... Petitioner

versus

Abdul Hai Abdul Hamid ..... Respondent.

Shri Atul Damle i/b J.P.Singh for the petitioner

CORAM; A.P. DESHPANDE, J.
DATED; 18TH JULY, 2007

P.C.;

1. Rejection of an application for condonation of delay by the First Appellate Court in filing of a Regular Civil Appeal have given raise to the filing of the writ petition. The respondent had instuted a money suit for recovery of a sum of Rs.1,40,000/-. The trial court decreed the suit on 9-8-2005. From the impunged order it is revealed that the plaintiff /decree holder filed special Darkast and therein notice was served on the judgment debtor, prior to 21-10-2005 for the reason that an advocate by name Smt. Patil filed vakalatnama at exh.20 in the special Darkast on 21-10-2005. The reason for condonation of delay put forth by the petiitoner is that he came to know about the passing of the decree on 20-2-2006 and thus prayed for condonation of delay. The court below

found that the petitioner through an advocate was contesting the Darkast wherein the vakalatnama was filed on 21-10-2005. Thus the court concluded that the plea about knowledge of the decree being obtained on 20-2-2006 is a false plea raised. Having found that the petitioner has not approached the court with clean hands, the application has been rejected.

2. Perused the order. The impugned order goes to take a possible view of the matter which does not require any interference at the hands of this court. Hence writ petiiton is dismissed.

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